

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: July 20, 2005

Division: BOCC1

Bulk Item: Yes ☐ No ☐

Department: BOCC1

Staff Contact Person: Jana Johnson-Willi

AGENDA ITEM WORDING: Approval of resolution of the Board of County Commissioner of Monroe County delineating limits to wastewater activities of county government and supporting the Florida Keys Aqueduct Authority, the Key Largo wastewater board and the various municipalities of the county in exercise of their statutory roles as designated wastewater authorities for the Florida Keys.

ITEM BACKGROUND:

PREVIOUS RELEVANT BOCC ACTION:

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

TOTAL COST: _____

BUDGETED: Yes ☐ No ☐


COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty _____ OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL:


Dixie M. Spehar, Mayor

DOCUMENTATION: Included ☐ Not Required ☐

DISPOSITION: _____

AGENDA ITEM # _____

RESOLUTION NO. ____ -2005

A RESOLUTION OF THE MONROE BOARD OF COUNTY COMMISSIONERS DELINEATING LIMITS TO WASTEWATER ACTIVITIES OF COUNTY GOVERNMENT AND SUPPORTING THE FLORIDA KEYS AQUEDUCT AUTHORITY, THE KEY LARGO WASTEWATER BOARD AND THE VARIOUS MUNICIPALITIES OF THE COUNTY IN EXERCISE OF THEIR STATUTORY ROLES AS DESIGNATED WASTEWATER AUTHORITIES FOR THE FLORIDA KEYS.

WHEREAS, general state law would authorize Monroe County to have authority and jurisdiction to provide and operate wastewater treatment facilities in the Florida keys except that a special law has pre-empted that authority and responsibility to the Florida Keys Aqueduct Authority; and

WHEREAS, the Board of County Commissioners (BOCC) seeks the removal of conflicting, shared authority and responsibility in the fulfillment of 2010 wastewater goals for the Florida Keys; and

WHEREAS, there has been concern and disagreement over siting wastewater treatment plants, high costs, and the need to implement limitations on the use of general revenues; and

WHEREAS, the logical and prudent approach is that the entity that spends the money should be the entity that borrows or otherwise obtains the money, thereby lending itself to accountability and care in the spending half of the equation; and

WHEREAS, the Florida Keys Aqueduct Authority (FKAA) has bonding capability that can be secured by the monetary flow downstream of connection fees, user fees, and state or federal grants or subsidies; and

WHEREAS, the County has bonding capability but will not have that recovery downstream of monies that will still flow to the FKAA; and

WHEREAS, the BOCC has grave concern that without checks and balances such as an elected board, FKAA has little or no incentive to keep the costs of sewerage and wastewater treatment to a level affordable by the residents of Monroe County; and

WHEREAS, the absence of County bond funds will encourage the FKAA to adopt imaginative, state of the art management approaches to sewerage and in the long run will accrue to the benefit of all our citizens; and

WHEREAS, the BOCC in a desire to remove any real or perceived obstacles to the aforementioned independent agencies' and municipalities' expeditious, effective, and cost-efficient implementation of wastewater projects for the Florida Keys; and

WHEREAS, the BOCC recognizes the limitations of County funds and the need for and duty of the County to allocate sources to the meeting of pressing, though still under-funded, needs within the County, including among them acquisition of available environmentally sensitive land

and the need to provide workforce housing, for all of which acquisition efforts there exists clear mandate and authority for County action; now therefore,

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA that:**

Section 1: In the absence of new state legislative or other authority the BOCC hereby directs that the County cease from further activities aimed at or which may be construed as seeking or undertaking new and further commitments of County resources in the wastewater area.

Section 2: The BOCC hereby directs County officers to fund those previously approved wastewater commitments that have been incorporated into Key Largo Wastewater Board's budget as it exists to this point.

Section 3: In the absence of new state legislative or other authority for the County to provide wastewater systems for unincorporated Monroe County, including, but not limited to, the Big Coppitt/Rockland/Geiger Key area, the BOCC hereby directs County officers to work with the Florida Keys Aqueduct Authority to reach, wherever possible, appropriate interlocal agreements that will provide for both:

(a) BOCC approval of wastewater projects with projected hookup fees set at no more than \$4,500 per residential dwelling unit and projected monthly user service fees estimated to begin and remain at levels which residents can reasonably be expected to afford without undue burden; and

(b) County recoupment from customer hookup and future monthly user service fees such funds as shall be required to service and retire any new bond obligations (not to exceed \$20,000,000.00) incurred by the County for additional bonded investments in wastewater projects.

Section 4: No additional County bonding shall occur without BOCC agreement that the foregoing criteria set forth in 3(a) and 3(b) have been met.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting of said Board held on the 20th day of July, 2005.

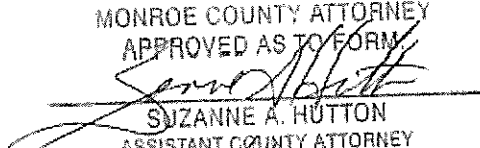
Mayor Spehar _____
Mayor Pro Tem McCoy _____
Commissioner Nelson _____
Commissioner Neugent _____
Commissioner Rice _____

ATTEST:
DANNY L. KOLHAGE, CLERK

**BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA**

By: _____
Deputy Clerk

By: _____
Mayor Dixie M. Spehar

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date 7/1/05